
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, December 4, 2007

Council President Glen Stewart called the meeting to order at 7:00 p.m.

ROLL CALL

| | | |
|-----------|---------------------|---------|
| Ward 1: | Robert L. Valentine | Present |
| Ward 2: | Robert M. Valentine | Present |
| Ward 3: | Ruth Detrow | Present |
| Ward 4: | Paul Wertz | Present |
| At-large: | Glen Stewart | Present |

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

(a) 11/20/07 Regular Session

Additions or Corrections?

Richard P. Wolfe II- Director of Law: It is not a correction of the minutes, because the minutes are correct, but the hearing date should be for the annexation on January 7, 2008, not January 8, 2007 as stated. On page 8 of the Minutes.

*Move to accept the correction of the Minutes from 11-20-07 by Paul Wertz, seconded by Glen Stewart.
Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart*

Glen Stewart: We have an Eagle Scout here, Ross Reed here this evening, is that accurate?

Ross Reed: No that is not accurate, I am working towards my Eagle Scout.

Glen Stewart: And that is just as admirable from my viewpoint, I appreciate that. Is there anything you would like to share with us? What do you hope to derive from our meeting this evening?

Ross Reed: I would like learning about the Communications system used in City Council.

Glen Stewart: There will be opportunities to ask or to make comments as we move through the legislation. If there is something you do not understand, and we are in that discussion period, if you raise your hand, we will recognize you and we would like for you to ask a question for clarification. Does that sound reasonable? We want to make this as meaningful for you in your quest for this Eagle badge.

Ross Reed: Thank you.

Glen Stewart: You're welcome. Please enjoy the meeting.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: (Items not appearing on the Agenda)

None.

Legislation:

Ord. No.

Item No. (a) AN ORDINANCE TO APPROPRIATE THE FOLLOWING HEREINAFTER NAMED SUM OF MONEY IN 2007 AND DECLARING THIS TO BE AN EMERGENCY MEASURE NECESSARY TO MEET THE IMMEDIATE FINANCIAL NEEDS OF THE CITY OF ASHLAND, OHIO. 2ND READING

Comments:

Mayor Strine: I would like to pass on some information that I put together here for this and I would ask Council to seriously consider passing this legislation. I think some of the issues that weren't answered at the last meeting; I believe I have those answers. And I did talk to Anna today about this and she may have some comments also. The bottom line on this is that if we do not pay off the ODOD Loan and keep the \$219,000.00 to invest to make interest, we would make approximately over three years \$26,600.00 dollars. The State of Ohio made this 0% interest loan to the City of Ashland to enable us to purchase land for the economic development. The State money was intended to be a type of revolving loan; that is pay it back so ODOD could loan the money to other communities to enhance economic development, therefore creating jobs. This money was not loaned to us for the purpose of earning interest. The State of Ohio could do that if they wanted to. I think we have a moral commitment and our integrity is at stake. Now, that is just my feeling on it and I don't know if Anna has any comments or what Council wants to do. I feel I have fulfilled my commitment to tell you that.

Glen Stewart: Anna, do you have any comments?

Anna Tomasek: I basically made the statement that a 0% interest loan is in my opinion not the best decision for the City of Ashland. We have other 0% interest loans, Issue 2. The balance is \$210,817.97 that is not required to be paid at this time. After the 5th year of the loan, it becomes a 3% interest loan. The State of Ohio has been very generous to the City of Ashland for economic development purposes and in the loan agreement, we are not required to pay back the loan unless we actually sell the parcel and half of the proceeds for that parcel, half be sent to the State of Ohio and at this point in time, that would be \$168,682.03 is what the City of Ashland is legally required to pay the State. And another piece of information the City Council needs to be aware of is how this would affect our Capital Improvement Fund balance at the end of the year. We are currently obligated to pay the City share for the Ford Road extension which is \$ 112,750.00 dollars which is on the legislation tonight. If we pay back the whole entire loan of \$379,500.00 dollars that will take the carryover balance of 405 which is the Capital Improvement fund down to \$336,000.00 dollars. Thank you.

Paul Wertz: But we are obligated to pay \$168,000.00 this year?

Anna Tomasek: That is correct. And we do have to appropriate that amount of money this year.

Mayor Strine: I would just like to add to that the fund 405, I believe that Anna is giving you the correct figures, but part of the picture, the beginning of the year in fund 405 was \$620,000.00. At the end of October, we had \$965,000.00 dollars. She has corrected some of that money as committed, but she doesn't have in this that picture, the fact that all of the income it will make from that next year. So I don't believe that it is not that we don't have the money.

Comments or questions?

Robert L. Valentine W1: One question that I have. What about the Fire Department, do they have any debts?

Anna Tomasek: In the City of Ashland, basically our total amount of debt that we have is over \$21,000,000.00 (21 million) dollars in debt. Most of it is variable debt. We do have a Bond that we took out in 2003, where we took a lot of our Notes and rolled it into a Bond. But overall, the City's debt obligation is over \$21,000,000.00 (21 million) and is at variable interest rates of at least 4 ½ % or higher.

Robert L. Valentine W1: So this money could be used for that, is that what you are saying? Can it be used for certain things and what for instance?

Anna Tomasek: We can use the amount of money that we are not obligated to pay back the State for anything that Council chooses. It can be paid for debt; it can be used for Capital projects, whatever Council chooses.

Glen Stewart: Are we on a scheduled debt repayment process for the \$21,000,000.00 dollars that we are in debt?

Anna Tomasek: Yes, there is a plan that is part of the tax budget and appropriation document every year. It is in your debt tab.

Glen Stewart: What is our Bond rating? Is that being ill affected by the \$21,000,000.00 dollar debt?

Anna Tomasek: Our Bond rating is affected by our carryover balances as well as ability to borrow. There are a lot of different factors that come into the analysis for Bond rating.

Mayor Strine: That's correct and we have had Bond ratings as long as I have been around here of A1.

Anna Tomasek: Yes and that is our current Bond rating. Our Bond rating was reviewed last year and we have retained that Bond rating.

Mayor Strine: A lot of that debt is long-term Water and Sewer. I would say most of it.

Ruth Detrow: I feel, number one that this Council approved the plan to borrow money from the State. We approved it under the conditions that it would be paid back as soon as possible. I wasn't there when the Mayor gave them his word but I certainly believe what he says, that he did give them his word that we would pay it off as soon as possible. I feel that it is as important to our reputation as a community that is as good as their word. I feel that it is important enough that we should do exactly what this Ordinance says.

Glen Stewart: Do all of you feel you have the information you want to make a decision with?

Robert L. Valentine: I make a motion that we table it.

Motion to move that we Table the Ordinance by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

Mayor Strine: Is it proper to ask questions why? What information is it you don't have?

Robert L. Valentine W1: Well for instance, I asked if we, we haven't had any figures, I don't know if we do have debts that we can pay off of 4.5 to 5%, then wouldn't we save more than \$26,000.00 dollars in interest? Is that true or not?

Mayor Strine: No. I don't understand, Bob what further questions you have that haven't been answered and if you oppose it, that is fine. I would just like to see Council vote on it, that's all.

Robert L. Valentine W1: Well I made a motion and it was seconded.

Glen Stewart: Any comments on the Motion to Table the Ordinance?

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart

Nay: Ruth Detrow

Glen Stewart: It will be tabled and can be brought back to this Council at our next Regular Meeting.

Mayor Strine: Can I ask what further information you would like to have to make this decision?

Robert L. Valentine W1: Well I will be calling both of you myself.

Mayor Strine: Bob, you must have a reason, if there is some information you want, but you voted no.

Robert L. Valentine W1: Basically, the idea is if you have an investment or you have to pay money you don't have to pay interest on, I think the money could be used elsewhere. To me that makes sense.

Mayor Strine: Well then if the Ordinance had been presented, you would have voted no right? That's all I asked was that you consider the Ordinance tonight.

Robert L. Valentine W1: Well the point is that you still have a chance.

Mayor Strine: But I don't know what questions you want answered.

Glen Stewart: I would suggest that rather than looking at aggregate \$21,000,000.00 dollar in debt and we probably all have the spreadsheets, maybe it would be appropriate to lay out that structure for Council to look at in a way that a non-financial person like myself would understand. This is planned debt, this is the cost of it, this is our capital improvement fund, and this is where it is invested. I don't know exactly how to ask you to do that for this Council but in some manner that we could see in black and white and go from there.

Anna Tomasek: I would be happy to. No problem.

Glen Stewart: Is that satisfactory with Council?

Ruth Detrow: Yes.

Ord. No. 84-07

Item No. (b) AN ORDINANCE AMENDING ORDINANCE # 79-07 OF THE CITY OF ASHLAND, OHIO, RELATIVE TO THE 2007 STREET RESURFACING PROGRAM; AND DECLARING AN EMERGENCY.

Move for non-reading in full by Paul Wertz, seconded by Ruth Detrow.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart

Comments:

Jim Cooper: This is basically a final change order to clean up the details of the 2007 Resurfacing program. This basically goes through and adds and subtracts the quantities and related prices of asphalt

put on different roads plus the additional work we did for crack sealing. This will finish this job if Council will approve this.

Glen Stewart: That wraps it up for this year is that correct Jim?

Jim Cooper: Yes sir.

Questions or comments? None

Move to pass the Ordinance of the 1st reading by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Ruth Detrow.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Move the Ordinance be passed by Ruth Detrow, seconded by Robert M. Valentine W2.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Ord. No. 85-07

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO RE-ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE WATER TREATMENT PLANT IMPROVEMENTS SOFTENER UNIT NO. 1 REPLACEMENT IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Move for non-reading in full by Paul Wertz, seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Jim Cooper: This is a request for additional money for the Water treatment plant Water Softener. It is a considerable amount of money and part of it is I think we underestimated what the actual bids would have been but above and beyond that things occurred at the plant that changed the scope of this work some. When one of the watering pumps went out down there, we floated the one tank and cracked the wells and created a problem with the concrete bottom of this tank, so that has to do with part of the increase in price also. We are requesting and we did bid this job out, we got high bids on it. We did not accept any of those and we going back to see if we can get this down for the second time.

Glen Stewart: Jim what was your original estimate on this?

Jim Cooper: It was \$500,000.00 dollars.

Glen Stewart: A pump went out and you floated the tank?

Jim Cooper: Yes Sir. For years we have been pumping water because of the water table will float that tank and create major problems. So when that went out, we had a major problem.

Glen Stewart: This isn't directly relative to this but what have we done for back up if we float it again?

Jim Cooper: We have just installed a brand new pump.

Glen Stewart: Is it still a single pump?

Jim Cooper: Yes sir, at this time it is.

Robert L. Valentine W1: What Issue 2 year is this?

Jim Cooper: The year before last. 2007 is the Booster station; this is 2006.

Robert L. Valentine W1: Is that the total amount? That wasn't the total amount of money received in that Issue 2 time, was it?

Jim Cooper: We received the \$400,000.00.

Comments or questions:

Move to pass the Ordinance on the first reading by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move to suspend the rules 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Ruth Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move the Ordinance be passed by Paul Wertz, seconded by Glen Stewart.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Glen Stewart: At this point in time, I want to go back to Ross Reed. Ross, you heard us move through the first three Ordinances; one was tabled and two have been passed. Do you have any questions on what is happening?

Ross Reed: Yes. Each one of these is a Bill itself, but are you saying you are passing only a couple actions of the Bill?

Glen Stewart: I am not sure I fully understand your question, but an Ordinance is brought to us, to Council; we received all of these Ordinances delivered to our home last Friday and it gave us Friday and the weekend and yesterday and today to ask any questions that we chose or felt we needed to ask. Some of the Ordinances were received in a pre-agenda the week before. In other words, it came a week ago Friday. Our final agenda comes out Friday afternoon. What we are doing here; it takes three meetings to pass an Ordinance and we do not read the Ordinance in its entirety because we have all read the Ordinances and know what are in them. So we are only reading, what I would call the heading or the Title of the Ordinance and our Law Director might correct me in the wording; pre-amble. Yes. We open the motion, we discuss it and we pass it on the first reading, then if we choose to, we can move to suspend the rules and have a second and third reading tonight. So it is all done in one evening. We do not have to do that and it takes $\frac{3}{4}$ of this body to agree to suspend the rules. So in other words, it would take four of the five of us to agree to suspend the rules. And generally that is the way we have passed a lot of Ordinances. Did that answer your question?

Ross Reed: Yes Sir.

Glen Stewart: And we will stop again a little later and if there are any other questions that come up. I have a son who is an Eagle Scout and I admire that aspiration. Our Law Director is an Eagle Scout; sometimes it embarrasses him a little bit, but it is nothing to be embarrassed about. But keep it up, don't quit.

Ord. No. 86-07

Item (d) AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHLAND, OHIO TO ENTER INTO A CONTRACT WITH FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. (PATROLMEN); AND DECLARING AN EMERGENCY.

Move for non-reading in full by Paul Wertz, seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Mayor Strine: This is basically a contract with a new union that the Police have chosen and it covers all of 2007, retro pay back to the beginning of 2007. It is a three-year contract 2007 thru 2009 at 3.25 increase. Which basically is in line with the other Ordinances and contracts.

Questions or Comments? None

Motion to pass the Ordinance on the first reading by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Move to suspend the rules, 3 separate readings, 3 separate nights by Paul Wertz, seconded by Ruth Detrow invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Move the Ordinance be passed by Ruth Detrow, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Glen Stewart: Ross, that means that we have passed 86 Ordinances so far this year plus the Resolutions which you will hear about Resolutions in a little while.

Ord. No. 87-07

Item (e) AN ORDINANCE PROVIDING FOR TEMPORARY APPROPRIATIONS FOR THE CITY OF ASHLAND, OHIO, TO MEET THE ORDINARY EXPENSES OF SAID CITY, UNDER THE AUTHORITY OF OHIO REVISED CODE SECTION 5705.38; AND DECLARING AN EMERGENCY.

Move for non-reading in full by Paul Wertz, seconded by Ruth Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Anna Tomasek: This is an Ordinance to allow the City of Ashland to have temporary appropriations to have a temporary budget until 2008 budget is passed before April 1.

Mayor Strine: I guess I just wanted to Clarify.

Glen Stewart: So that I understand it and Council understands, but; this allows us to pay the light bill and the gas bill, payroll until March? The first of April we must have an appropriation request passed and it becomes a budget for the year 2008. So this allows us to continue business as usual with a significant restriction on non-emergency purchases; is that accurate Mayor?

Mayor Strine: Almost.

Glen Stewart: The essence is; if you don't need a new box of band-aids today because you still have half a dozen, wait. I am being facetious, but I am trying to get a point across. If you don't absolutely need it, you should probably hold off.

Anna Tomasek: It is for ordinary expenses to meet the needs of the city until the new budget is passed.

Comments or questions? None

Move the Ordinance be passed on the first reading by Ruth Detrow, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Move to suspend the rules 3 separate meetings, 3 separate nights by Paul Wert, seconded by Ruth Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Move the Ordinance be passed by Paul Wertz, seconded by Ruth Detrow.

Ayes: Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Ord. No. 88-07

Item (f) AN ORDINANCE AMENDING ORDINANCE NOS. 74-07 AND 77-07, RELATIVE TO THE FUNDS FROM WHICH MONIES SHALL BE PAID FOR THE PURCHASE OF EQUIPMENT FOR THE ASHLAND MUNICIPAL COURT; AND DECLARING AN EMERGENCY.

Move for non-reading in full by Paul Wertz, seconded by Ruth Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Comments:

Mayor Strine: It is my understanding that they were just wrong numbers, wrong account numbers and they needed corrected.

Robert L. Valentine W1: In section 2, the cost says, estimated not to exceed 65 and then it says section 2 that the cost is; these are 2 separate?

Richard P. Wolfe II: Section 1 is from Ordinance 74-07 and the next one is from Ordinance 77-07.

Robert L. Valentine W1: Okay, thank you.

Glen Stewart: So there has been a correction in the line items in which the money will be appropriated.

Questions or comments? None

Move the Ordinance be passed on the first reading by Robert M. Valentine W2, seconded by Robert L. Valentine W1

Ayes: Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move to suspend the rules 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Glen Stewart.

Ayes: Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move the Ordinance be passed by Paul Wertz, seconded by Ruth Detrow.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Ord. No. 89-07

Item (g) AN ORDINANCE TO APPROPRIATE THE FOLLOWING HEREINAFTER NAMED SUM OF MONEY IN 2007 AND DECLARING THIS TO BE AN EMERGENCY MEASURE NECESSARY TO MEET THE IMMEDIATE FINANCIAL NEEDS OF THE CITY OF ASHLAND, OHIO.

Move for non-reading in full by Paul Wertz, seconded by Robert M. Valentine W2 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Comments:

Anna Tomasek: This is an Ordinance to appropriate money for the expenditures of the city's share of Mifflin Avenue Booster Station at \$168,725.00 dollars and also for two Municipal Court items; one project is for \$65,000.00 and the other is for Computer expense at \$60,000.00.

Comments or questions?

Mayor Strine: The two expenses for the Municipal Court are specifically Municipal Court funds.

Move the Ordinance be passed on the first reading by Paul Wertz, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move to suspend the rules, 3 separate meetings, 3 separate nights by Ruth Detrow, seconded by Robert M. Valentine W2 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move the Ordinance be passed by Paul Wertz, seconded by Glen Stewart.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Resolutions:

Res. No. 20-07

Item (a) A RESOLUTION PERTAINING TO THE FIRST MEETING OF COUNCIL IN 2008.

Move for non-reading in full by Paul Wertz, seconded by Robert M. Valentine W2.

Ayes: Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Comments:

Glen Stewart: This Resolution was prepared to our Charter of the City directs without any flexibilities as I understand it this Council meet the first Tuesday of every year. Well the first Tuesday this year is New Years day. And I suppose we could probably meet but I don't know if that would be appropriate. So we have asked and the Law Director suggested that he draft a Resolution which we will have our first meeting in 2008 and it will be on Wednesday January 2, 2008 which is a Wednesday and it will be at the regular time 7:00 pm in Council Chambers Conference Room but as it isn't the first Tuesday, now it will become a Special Meeting of which we will have to have our Agenda put together and announced and

whatever is on that announced agenda is the only thing we will be able to discuss and act on. Is that correct Mr. Wolfe?

Richard P. Wolfe II, Director of Law: That is correct.

Glen Stewart: So the first actual meeting in January will not have a lot of actions to discuss. So that is what this Ordinance is all about. Note on your calendar, do not come in here on New Years Day evening because we will not be here.

Move the Resolution be passed on the first reading by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

Ayes: Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Ruth Detrow.

Ayes: Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move the Resolution be passed by Ruth Detrow, seconded by Robert L. Valentine W 1.

Ayes: Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Glen Stewart: Mr. Wolfe, for our Eagle Scout, would you give him a brief definition of the difference between an Ordinance and a Resolution?

Richard P. Wolfe II: Ordinances and Resolutions are both forms of Legislation that Council passes. Generally Resolutions are used when something is just a one time or of a short term nature. The Ordinance is a more permanent form. So since this is just dealing with something on one occasion basis, I put it in the form of a Resolution. It probably would have worked just as well if I would have titled it an Ordinance. There is not a lot of distinction between the two but they are both forms of legislation.

Res. No. 21-07

Item (b) A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF THE NEW FORD ROAD ALIGNMENT PROJECT WITHIN THE CITY CORPORATION LIMITS; TO BE FUNDED BY ACCOUNT NOS. 202-1001-55405 (\$112,750.00) AND 405-4655-55005 (\$112,750.00) WITH AN ESTIMATED COST OF \$225,500.00; AND DECLARING AN EMERGENCY.

Move for non-reading in full by Paul Wertz, seconded by Ruth Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Richard P. Wolfe II: Just to show you that there is not necessarily a lot of difference between Resolutions and Ordinances, this Resolution is certainly more of a permanent nature than the previous one but it is in the form that it came to us from the state and just are accepting it that way and they titled it as a Resolution, so that is pretty much why that is that way.

Glen Stewart: That may help you with your writing and your reports that you have to prepare. Mr. Wolfe has explained that, and it was a one-time event and this one came to us and so that is the way we are moving forward with it.

Jim Cooper: We have got \$300,000.00 dollars basically, \$297,000,00 by ODOT Federal money going towards this extension of Ford Road. The City was to put in \$80,000.00 when we initially started. ODOT had Schaefer Johnson do the plans, ODOT is overseeing the project and helping us work with the LPA

project (Local Public Authority). In the process of this all evolving, ODOT and their people in Columbus feel that the estimate for the cost of this are considerably higher than \$380,000.00 dollars. Personally, I happen to disagree, but since they hold the purse strings and control some of this, it doesn't mean I am right either by the way, I do disagree. But at any rate I can't override this nor would I ask you to. So this basically is saying the estimate assessed that we have to get this additional money, it has to go on escrow which I believe Anna is taking care of. We earn interest on the money and hopefully I am correct representing the City that when contractors bid on this job, we will get it much less than the \$525,000.00. So hopefully all of this won't have to be out of our pockets. This needs to be done and the contracts and agreements made with ODOT so they can proceed.

Robert L. Valentine W1: Jim, the figures are \$112,000.00 and \$225,000.00, that is our responsibility?

Jim Cooper: Actually, originally it came \$300,000.00 was Federal, \$80,000.00 was ours. And then we think the estimate came to about \$525,000.00, so the \$225,000.00 dollar total includes our \$80,000.00; I believe that is right Anna?.

Robert L. Valentine W1: So the total project is for over \$500,000.00?

Jim Cooper: Yes, their estimate. I feel very sure the contractors will be very competitive and we will get a better price.

Robert M. Valentine W2: But anytime there is Federal money involved though, ODOT has to oversee it, right?

Jim Cooper: Yes, they need to oversee this. They are doing it the way they need to do it.

Ruth Detrow: Jim, you are really just extending Ford Road? Where the road was crooked, you are straightening it, is what it sounds like, but that is not it at all is it? You are extending it?

Jim Cooper: Right at the start, there will be a slight curve to get it straightened out. That is where the alignment work comes in, but it is just a few feet. Then we will go right parallel where our property line is along the wooded area there and put a cul-de-sac. It is a very nice site.

Questions or comments? None

Move the Resolution be passed on the first reading by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Ruth Detrow.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move the Resolution be passed by Ruth Detrow, seconded by Paul Wertz.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

WARD REPORTS:

Ward 1: Robert L. Valentine: I had a person call me regarding leaf pick-up. I told them there has been things in the paper and I think it has been very good. They asked me if the leaf pick will continue? I said, I imagine, weather permitting. What is the situation?

Jerry Mack: We have been picking them up everyday, and we don't plan on quitting until we absolutely have to. I feel if we get through the end of next week and can keep picking them up, we will have a pretty good dent knocked in all of them. Yesterday morning we had to salt a little bit, but then we go right back at picking them up. It looks like tomorrow morning maybe the same issue. Do a little salting then back to picking up leaves, but they have not stopped. They have been out every day.

Robert L. Valentine W1: I am just curious, do many cities do this?

Jerry Mack: I think the majority of them do. I know Mansfield and Shelby do. Shelby is in the same fix that we are. The leaves came down late. We are just hustling to try and get them up. Everyone thinks this is a good thing for their community to pick up their leaves. In my case, it serves to get them away from the sewer. The citizens do benefit from this but we remove them to keep them away from the sewer systems.

Ward 2: Robert M. Valentine : I had a couple of things that Mr. Clingan took care of for me. I gave the other one to Chief Bill Miracle and I know he will take of that one also. I appreciate it. And to pass on to the Arborists, thank you.

Ward 3: Ruth Detrow: Nothing to report.

Ward 4: Paul Wertz: I got a phone call tonight, from a person in my 4th Ward and wanted to know why the Agenda is not in the Times Gazette. He said three times out of the last month, it hasn't been in.

Glen Stewart: Well there are only 2 times this month it could only be in.

Valarie Bishoff, Clerk of Council: There will be a new person starting on Monday 12/10/07, his name is Travis. I will give him a call.

Robert L. Valentine W1. I think a lot of it has to do with the change over.

OLD BUSINESS

(a) Certificate of results of Election on question or issue.

Glen Stewart: We have certificates of the results which officially are the two items for Charter revision have been certified and both of those two issues have passed. One was section 125 Gender, Singular and Pleural and the other one was section 52 and section 28. That was the ability to hire outside of the ranks of the Police and Fire for Chief.

Robert L. Valentine W1: I do not know if this is old business or new business but I think we all received it. Does Evan Scurti ever come before Council and give a report. I know I have gone to meetings where he has done this. Again, I am just curious.

Glen Stewart: No but I am sure if I were to invite him, he would be more than happy to share a report. Actually, do all of you receive his monthly Director's report? They also put out a newsletter. Did you get that? If this Council wants a like a year end synopsis from Evan, we can ask him to do that.

Robert L. Valentine W1: Well I think there are a lot of good pluses, and maybe the public at large is aware of it and maybe they are not and I think they should be.

Glen Stewart: I do not disagree with that. There is a lot going on and yes, how about if our Agenda doesn't get absurdly long, I would like Evan to make a "Year End Report" for us if that is okay with you. It is an appropriate wrap up for the year.

NEW BUSINESS:

(a) A Resolution from the County for the Annexation of Property for Delbert G. Buechele and Connie L. Buechele Property.

Glen Stewart: We received a Resolution from the County for annexation to the City of Ashland for Delbert G. Buechele and Connie L. Buechele property. The Ashland County Commissioners held a hearing on November 8, 2007. This is a property that is on Baney Road just north of where Smith Road intersects Baney. It would be the second residential property on the left side on Baney Road north of Smith. County Road 1153. Rick, what action do we take. Do we set a hearing date for this?

Richard P. Wolfe II: No. There is nothing to be done for now. The earliest we can act on this is in March. There is a 30-day waiting period after the Commissioners have acted which was on November 15 and after that time period is up then there is a 60-day waiting period before we can entertain an Ordinance to accept it. It has already been prepared and it will be on the Agenda in March.

Glen Stewart: Okay, Thank you.

Ruth Detrow: I have given my fellow Councilmen and the media a copy of a possible Resolution. We have seen in our paper two articles concerning Payday Lending, a check station and there has been one meeting concerning it and of course the Internet is full of various comments and surveys and so on concerning the paycheck lending. I feel that I would like to see this Council do what this Resolution says which is that we are urging the Ohio General Assembly to review the practices of the small loan industry and to consider the need for remedial legislation with regard to that. I am aware, I went to a local meeting concerning that and I am aware that I am maybe more into it than my fellow councilmen at this point and so I am not asking that it be passed tonight though I have been told if I were to read it in its entirety, which is not very long, it could be tonight but unless my fellow Councilmen want to do it tonight, I am just asking for discussion at this point and hopefully passage of this Resolution or a changed Resolution soon.

Glen Stewart: All Councilpersons, what are your thoughts on this. Do you want to study it? Do you want to have it read and act on it? There are several sites, one being on site that Mrs. Detrow had forwarded to all of us that gives the entire bill, House Bill and I believe it is like 24 or 27 pages.

Ruth Detrow: Yes and this is Representative Bachelder's Bill which is proposing. It hasn't happened yet. It needs to happen.

Glen Stewart: It probably, the first two pages have most of the meat in it from my perspective.

Robert L. Valentine W1: You know you are a little bit here between a rock and a hard place. I think something like that has to be done. People should understand that when you borrow, you know what I am talking about, the problem here is that the interest rate and if you don't pay it off within a certain period of time and of course it is almost doubled or tripled. I think of the word usury. Pretty much that is what it is. You always feel that you have a responsibility as an individual when you borrow this money, to understand. I did not get an opportunity to go to the meeting but I think by the paper I have the figures wrong, but they were talking about \$1.8 million dollars in interest or something like that.

Robert M. Valentine W2: It said Ashland County alone.

Robert L. Valentine W1: There is pretty much an inequity here that is all there is to it.

Ruth Detrow: I hate to legislate things but people should just use their common sense and do. The only thing is, these particular people prey on those who have had a terrible run of luck or some really serious loss of income and when they get into this mess, they can't get out of it. We are seeing so much

right now in terms of House foreclosures, seeing financial problems and I think we need to do something to help the people who find themselves without wanting to be trapped in this even though we could sit here and say, well you should have known better in the first place. But sometimes it isn't so. Sometimes really bad luck, sometimes-bad judgment.

Glen Stewart: I agree with everything that you have said and I think the bill as proposed may make the traditional lending institutions make the interest rates a bit more attractive for them, I think from 24 to 36% on some sort of loan that would be available to them and that is a lot of interest. By the same token put the reported fees, transaction fees and interest on some of the other loans, that makes the 36% seem like a deal unfortunately. I would propose we research on the House Bill if we choose to support a specific bill or just in general as a Resolution is written and bring it back as a Resolution to be considered for action on our next Regular meeting.

Ruth Detrow: Mr. Stewart, as I said I went to the one meeting we have had here in town about it. The people who held that meeting offered to, and of course they are biased. They were biased and in favor of letting get rid of these places. They offered to come to any City Council and give us some facts and so on. I don't know if we want to do that or just simply do our own independent research.

Glen Stewart: I would love to hear them, but if we hear one side, we need to hear both sides. I personally, I think we should be able to do research. I would rather research it myself and if I choose to go to a meeting outside of this Council meeting to learn more about it, that would be my preference.

Robert M. Valentine W2: It is just like Credit Cards, how many of those do you get a month. It is no different because once you get in debt so far on those, you pay the minimum payment, they are saying you owe 5,000.00 or 6,000.00 thousand dollars, it takes you 22 years to pay it back if you make the minimum payment. You are looking at it Apples to Apples. So they are giving you the money and then they hammer you.

Paul Wertz: Remember about three meetings ago, the Cash Advance flier to go door to door, if you read that pamphlet that she gave you, it says right in there, the next paycheck after you get your initial money, you have to pay it back. If you don't you get penalized 15% and if you don't pay it back the next time, it is another 15%. It goes up to 75% just like that. So that is why people are getting into trouble. It says right in the pamphlet that is being passed out door to door.

Glen Stewart: What is the desire of the Council?

Robert L. Valentine W1: I think another suggestion would be is to put more emphasis on our State Senator and making calls to him. I think we rank 5th in the nation as far as house slump and in default.

Ruth Detrow: At one time, a few months ago we were first. And now we are 5th and it is not because we have gotten better, it is because other states have caught up with us.

Glen Stewart: Valarie, will you make this a part of the Agenda for the next meeting?

Valarie Bishoff: Yes Sir.

Glen Stewart: I would like to announce that we will have a Special Session Friday, December 28, 2007 at 12:00 noon in this room for the purpose of appropriation transfers. That will be a rather short meeting but a necessary meeting and we have already announced that we will have another Special Meeting on Wednesday January 2, 2008. I would like to go back to our Eagle Scout want-to-be. Do you have any questions Ross?

Ross Reed: I do have one. On all of the Ordinances, it says something about declaring an emergency. What does that mean in this case?

Richard P. Wolfe II: It means it becomes effective immediately.

Glen Stewart: It allows the Ordinance to become effective upon passage. So there are signatures that have to be affixed to these Ordinances and they become effective following that right away. There is no waiting period.

Robert L. Valentine W1: Without being real technical, in section 21 of our Charter, it says an Emergency measure in an Ordinance or Resolution for the immediate preservation of the public, property, health or safety you are providing for the usual daily operation for the Municipal departments is set forth in defining the pre amble thereto.

Motion for adjournment by Glen Stewart, moved to adjourn Regular Session by Robert M. Valentine W2, seconded by Paul Wertz.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Meeting adjourned at 8:05 pm.

Submitted by
Valarie Bishoff
Clerk of Council

